

<b>SECTION 1.2-3</b> <b>Electric Service</b>
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**1.2-3.1** Electrical service within the Town of Clayton shall be governed by the Clayton Municipal Electrical Department Rules and Regulations adopted on January 1, 1994 and as amended.

**1.2-3.2** **Electric Rates**

- a. Rates. Electric rates shall be set by the Town in December of each year to be effective at the beginning of the next year.
- b. Billing Due Date; Late Payment Penalty; Disconnection for Non-Payment; Reconnection.
  - (1) Electric bills will be prepared and submitted by the Town on a monthly basis and shall be due 20 days after the bill is sent.
  - (2) Late Payment Penalty. When any bill is not paid in full by its due date, a late payment penalty shall be imposed of \$15.00 per month until the entire amount (including accrued late payment penalties) is paid in full.
  - (3) If not paid by the due date, the Town may under Section 1.2-3.3 disconnect the service.
  - (4) If disconnected for non-payment or for non-compliance with any rules or regulations of the Town pertaining to electric, no electric service shall be reconnected until all past due amounts are paid in full and the reconnection fee required under Section 1.2-3.4 is paid in advance.
  - (5) If payment for bills rendered is not received by the Town by the 20<sup>th</sup> of the month, a late payment charge shall be added to the amount due for each metered account. The amount of the late payment charge is listed in the schedule of fees and charges. Payments shall be credited against the most delinquent charges. If the customer requests an exception to

the late payment charge, the request must be made to the Mayor and Council in writing. However, the late payment charge may be waived only if the customer has not been delinquent during the past 12 months. The late payment charge will not be applied to balances which are under dispute provided all other amounts not in dispute are paid when due.

c. Advance Payment Required for Customers Receiving Electric Service Outside Town Limits.

- (1) Whenever the Town elects to extend electric service to serve properties outside the Town limits, the Town shall require in advance prior to connection of such service an advance payment from such customer in an amount estimated to equal 150% of that customer's reasonably estimated average bill for such service(s) but in no event less than \$10.00. The amount of such cash advance payment may be increased by the Town or reduced at the request of the customer based upon actual billings for the first three (3) consecutive months.
- (2) The Town shall not require advance payment from customers receiving electric service outside Town limits as of the effective date thereof unless such customer has a history of delinquent payments for service previously received. In any case where an existing customer outside the Town limits is not required to provide advance payment because of a satisfactory payment history with the Town, the Town may subsequently require such advance payment if future delinquencies indicate such advance payment is appropriate.

**1.2-3.3 Disconnection**

- a. Reasons for Disconnection. Electric service to any customer may be disconnected by the Town under the following circumstances.
  - (1) At the customer's request.

- (2) For failure to pay in full any electric bill within twenty (20) days from the due date of the billing.

#### **1.2-3.4 Disconnection Procedure; Reconnection Procedure**

Except where disconnection is at the customer's prior written request, no electric service shall be disconnected by the Town unless the following procedures are substantially complied with:

- a. Written notice shall be sent to the customer at the customer's last address as provided to the Town office by such customer regular mail (or at the Town's option, by personal delivery). Delivery shall be deemed complete upon depositing such letter, postage prepaid, in the U.S. Mail (or if personally delivered, handing it to an adult person on the customer's premises). Such notice shall state:
  - (1) The Town's intent to disconnect service;
  - (2) The reason(s) for such disconnection;
  - (3) The amount of any past due charges;
  - (4) That disconnection will occur within a specified number of days not less than five (5) from the date such notice was mailed or delivered; and
  - (5) That the customer may appeal the disconnection to the Town Council during normal business hours.
- b. Appeals to the Town Council can be made in person, in writing, or by telephone and no formal procedure shall be required. The Town Council shall give the customer an opportunity to be heard concerning why service should not be disconnected and may as appropriate deny the appeal, postpone the disconnection for a stated period, or cancel the disconnection notice.
- c. In the event the problem (including payment in full of any past due amount) has not been corrected within the time stated in the notice provided under Section 1.2-3.4(a) and the Town Council has not approved any appeal from the

customer, the Town may disconnect service at any time after the time stated in the written notice.

d. Charges.

(1) Disconnection Fees:

- (i) Where service is disconnected at the customer's request, \$25.00 during normal business hours.
- (ii) Where service is disconnected other than at the customer's request, \$25.00.

(2) Reconnection Fees:

- (i) Twenty-Five dollars (\$25.00) during normal business hours. Fifty dollars (\$50.00) after normal business hours at the customer's request. Seventy-Five dollars (\$75.00) during weekend hours.
- (ii) All reconnection fees must be paid in advance.

**1.2-3.5 Damages, Obstructions, Interference with Town Electric System**

- a. No person shall damage, obstruct, or in any manner interfere with any part of the Town's electric system.

**1.2-3.6 Penalties**

- a. Person Defined. For purposes of this Ordinance, the word "person" shall mean and include any natural person, partnership, corporation, firm, association, or other legal entity.
- b. Penalties. Upon conviction before any court of competent jurisdiction, persons violating this Ordinance shall forfeit and pay \$50.00 for the first offense and

\$100.00 for any subsequent offense. Each day of a continuing violation shall constitute a separate offense except as provided in 1.2-3.6(c).

- c. Grace Period After Conviction for First Offense of Section 1.2-6.2. Where any person is convicted of violating Section 1.2-6.2 of this Ordinance, no prosecution for a second or any subsequent offense shall be brought sooner than 15 days after the date of such decision and, if an appeal be taken, then not less than 15 days after such appeal is finally decided.

#### **1.2-3.7 Separability, Savings Clause; Conflicting Ordinances**

- a. Any and all Ordinances of the Town, or sections or parts thereof, contradictory hereto, superseded hereby, or in conflict with any provision of the Ordinance are hereby repealed to the extent of such inconsistency.
- b. Should any section, paragraph, sentence, clause, or other provision of the Ordinance be declared illegal, the remainder hereof shall remain in full force and effect.

#### **1.2-3.8 Violations Declared Nuisances, Injunctive Relief**

- a. Any violation of this Ordinance which poses a threat to the public health, safety, or welfare of the Town of Clayton or the State of Delaware is hereby declared to be a public nuisance; and in addition to prosecution for violation of any penal section of this Ordinance, the Town of Clayton may seek appropriate injunctive relief in any court of competent jurisdiction.

#### **1.2-3.9 Aggregation of Retail Customer Demand Response**

- a. The Town of Clayton or any entity that applies to be an authorized Curtailment Service Provider and is subsequently approved by the Mayor or his designee (Town Foreman) is permitted to bid demand response on behalf of retail customers served by the Town of Clayton directly into any Commission-approved

independent system operator's or regional transmission organization's organized electric markets.

- b. Retail customers served by the Town of Clayton wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Town of Clayton or with the Curtailment Service Provider duly approved by the Town of Clayton.

**1.2-3.10 Ancillary Services Provided by Demand Response Resources**

- a. The Town of Clayton or any entity that applies to be an authorized Curtailment Service Provider and is subsequently approved by the Mayor or his designee (Town Foreman) is permitted to bid demand response on behalf of retail customers served by the Town of Clayton directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).
- b. Retail customers served by the Town of Clayton wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional

transmission organization's tariff) may do so by participating in the program established by the Town of Clayton or with a Curtailment Service Provider duly approved in advance by the Town of Clayton.